



98TH GENERAL ASSEMBLY

State of Illinois

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HB2934

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2PPP
815 ILCS 518/1
815 ILCS 518/2
815 ILCS 518/5
815 ILCS 518/7 new
815 ILCS 518/10
815 ILCS 518/15
815 ILCS 518/20

Amends the Internet Dating Safety Act and the Consumer Fraud and Deceptive Business Practices Act. Expands the scope of the Internet Dating Safety Act to cover Internet child care services, Internet senior care services, and Internet home care services. Changes the short title of the Internet Dating Safety Act to the Internet Dating, Internet Child Care, Internet Senior Care, and Internet Home Care Safety Act. Effective immediately.

LRB098 04295 JLS 34322 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by renumbering and changing Section
6 2MMM as added by Public Act 97-1056 as follows:

7 (815 ILCS 505/2PPP)

8 Sec. 2PPP ~~2MMM~~. Internet dating, child care, senior care,
9 and home care safety. It is an unlawful practice under this Act
10 for an Internet dating service, Internet child care service,
11 Internet senior care service, or Internet home care service to
12 fail to provide notice or falsely indicate that it has
13 performed criminal background screenings in accordance with
14 the Internet Dating, Internet Child Care, Internet Senior Care,
15 and Internet Home Care Safety Act.

16 (Source: P.A. 97-1056, eff. 8-24-12; revised 1-24-13.)

17 Section 10. The Internet Dating Safety Act is amended by
18 changing Sections 1, 2, 5, 10, 15, and 20 and by adding Section
19 7 as follows:

20 (815 ILCS 518/1)

21 Sec. 1. Short title. This Act may be cited as the Internet

1 Dating, Internet Child Care, Internet Senior Care, and Internet
2 Home Care Safety Act.

3 (Source: P.A. 97-1056, eff. 8-24-12.)

4 (815 ILCS 518/2)

5 Sec. 2. Findings, declarations. The Legislature finds and
6 declares that residents of this State need to be informed of
7 the potential risks of participating in Internet dating
8 services, Internet child care services, Internet senior care
9 services, and Internet home care services. There is a public
10 safety need to disclose whether criminal history background
11 screenings have been performed and to increase public awareness
12 of the possible risks associated with Internet dating, Internet
13 child care, Internet senior care, and Internet home care
14 activities. The primary purpose of this Act is to enhance the
15 safety of individuals who use an Internet service to facilitate
16 dating, child care, senior care, or home care.

17 The offer of Internet dating services, child care services,
18 senior care services, and home care services to residents of
19 this State, and the acceptance of membership fees from
20 residents of this State means that an Internet dating service,
21 Internet child care service, Internet senior care service, or
22 Internet home care service is conducting business in this State
23 and is subject to regulation by this State and the jurisdiction
24 of the State's courts.

25 (Source: P.A. 97-1056, eff. 8-24-12.)

1 (815 ILCS 518/5)

2 Sec. 5. Definitions. As used in this Act:

3 "Criminal background screening" means a name search for a
4 person's criminal convictions initiated by an Internet ~~on-line~~
5 dating service provider, an Internet child care service
6 provider, an Internet senior care service provider, or an
7 Internet home care provider and conducted by:

8 (1) searching available and regularly updated
9 government public record databases for criminal
10 convictions so long as such databases, in the aggregate,
11 provide substantial national coverage; or

12 (2) searching a database maintained by a private vendor
13 that is regularly updated and is maintained in the United
14 States with substantial national coverage of criminal
15 history records and sexual offender registries.

16 "Internet dating service" means a person or entity in the
17 business, for a fee, of providing dating, romantic
18 relationship, or matrimonial services principally on or
19 through the Internet.

20 "Internet child care service" means a person or entity, in
21 the business, for a fee, of providing access to a database,
22 principally on or through the Internet, of seekers and
23 providers of child care services.

24 "Internet senior care service" means a person or entity in
25 the business, for a fee, of providing access to a database,

1 principally on or through the Internet, of seekers and
2 providers of senior care services.

3 "Internet home care service" means a person or entity in
4 the business, for a fee, of providing access to a database,
5 principally on or through the Internet, of seekers and
6 providers of domestic home care services including, dog
7 walkers, pet sitters, housekeepers, house cleaners, house
8 sitters, and tutors.

9 "Member" means a customer, client, or participant who
10 submits to an Internet dating service, Internet child care
11 service, Internet senior care service, or Internet home care
12 service information required to access the service for the
13 purpose of engaging in dating, relationship, compatibility,
14 matrimonial, or social, child care, senior care, or home care
15 referral.

16 "Illinois member" means a member who provides an Illinois
17 billing address or zip code when registering with the service.

18 "Criminal conviction" means a conviction for any crime
19 including but not limited to any sex offense that would qualify
20 the offender for registration pursuant to the Sex Offender
21 Registration Act or under another jurisdiction's equivalent
22 statute.

23 (Source: P.A. 97-1056, eff. 8-24-12.)

24 (815 ILCS 518/7 new)

25 Sec. 7. Exceptions. This Act does not apply to:

1 (1) an individual who is considered an "employee" as
2 defined in the Health Care Worker Background Check Act; or
3 (2) an individual or service provider who is considered
4 a "health care employer" as defined in the Health Care
5 Worker Background Check Act.

6 (815 ILCS 518/10)

7 Sec. 10. Requirements for Internet dating services,
8 Internet child care services, Internet senior care services,
9 and Internet home care services.

10 (a) An Internet dating service, Internet child care
11 service, Internet senior care service, or Internet home care
12 service offering services to Illinois members shall provide a
13 safety awareness notification to all Illinois members that
14 includes, at a minimum, a list and description of safety
15 measures reasonably designed to increase awareness of safer
16 dating, child care, senior care, and home care practices as
17 determined by the service.

18 Examples of such notifications include, but are not limited
19 to:

20 (1) "Anyone who is able to commit identity theft can
21 also falsify a dating profile, a child care profile, a
22 senior care profile, or a home care profile."

23 (2) "There is no substitute for acting with caution
24 when communicating with any stranger who wants to meet
25 you."

1 (3) "Never include your last name, e-mail address, home
2 address, phone number, place of work, or any other
3 identifying information in your Internet profile or
4 initial e-mail messages. Stop communicating with anyone
5 who pressures you for personal or financial information or
6 attempts in any way to trick you into revealing it."

7 (4) "If you choose to have a face-to-face meeting with
8 another member, always tell someone in your family or a
9 friend where you are going and when you will return. Never
10 agree to be picked up at your home. Always provide your own
11 transportation to and from your date and meet in a public
12 place with many people around."

13 (b) If an Internet dating service, Internet child care
14 service, Internet senior care service, or Internet home care
15 service does not conduct criminal background screenings on its
16 members, the service shall disclose, clearly and
17 conspicuously, to all Illinois members that the Internet dating
18 service does not conduct criminal background screenings. The
19 disclosure shall be provided in two or more of the following
20 forms: when an electronic mail message is sent or received by
21 an Illinois member, in a "click-through" or other similar
22 presentation requiring a member from this State to acknowledge
23 that they have received the information required by this Act,
24 on the profile describing a member to an Illinois member, and
25 on the website pages or homepage of the Internet dating
26 service, Internet child care service, Internet senior care

1 service, or Internet home care service used when an Illinois
2 member signs up. A disclosure under this subsection shall be in
3 bold, capital letters in at least 12-point type.

4 (c) If an Internet dating service, Internet child care
5 service, Internet senior care service, or Internet home care
6 service conducts criminal background screenings on all of its
7 communicating members, then the service shall disclose,
8 clearly and conspicuously, to all Illinois members that the
9 Internet dating service, Internet child care service, Internet
10 senior care service, or Internet home care service conducts a
11 criminal background screening on each member prior to
12 permitting an Illinois member to communicate with another
13 member. The disclosure shall be provided on the website pages
14 used when an Illinois member signs up. A disclosure under this
15 subsection shall be in bold, capital letters in at least
16 12-point type.

17 (d) If an Internet dating service, Internet child care
18 service, Internet senior care service, or Internet home care
19 service conducts criminal background screenings, then the
20 service shall disclose whether it has a policy allowing a
21 member who has been identified as having a criminal conviction
22 to have access to its service to communicate with any Illinois
23 member; shall state that criminal background screenings are not
24 foolproof; that they may give members a false sense of
25 security; that they are not a perfect safety solution; that
26 criminals may circumvent even the most sophisticated search

1 technology; that not all criminal records are public in all
2 states and not all databases are up to date; that only publicly
3 available convictions are included in the screening; and that
4 screenings do not cover other types of convictions or arrests
5 or any convictions from foreign countries.

6 (Source: P.A. 97-1056, eff. 8-24-12.)

7 (815 ILCS 518/15)

8 Sec. 15. Unlawful practices for Internet dating services,
9 Internet child care services, Internet senior care services,
10 and Internet home care services. It is an unlawful practice
11 under the Consumer Fraud and Deceptive Business Practices Act
12 for an Internet dating service, Internet child care service,
13 Internet senior care service, or Internet home care service to
14 fail to provide notice or falsely indicate that it has
15 performed criminal background screenings in accordance with
16 this Act.

17 (Source: P.A. 97-1056, eff. 8-24-12.)

18 (815 ILCS 518/20)

19 Sec. 20. No violation to serve as intermediary. An
20 Internet service provider or website hosting service does not
21 violate this Act as a result of serving as an intermediary for
22 the transmission of electronic messages between members of an
23 Internet dating service, Internet child care service, Internet
24 senior care service, or Internet home care service.

1 (Source: P.A. 97-1056, eff. 8-24-12.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.